



Entered on Docket  
April 01, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,  
USA Capital Realty Advisors, LLC,  
USA Capital Diversified Trust Deed Fund, LLC,  
USA Capital First Trust Deed Fund, LLC,<sup>1</sup>  
USA Securities, LLC,<sup>2</sup>  
Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>1</sup>  
Case No. BK-S-06-10729-LBR<sup>2</sup>

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM  
BASED, IN WHOLE OR IN PART,  
UPON INVESTMENT IN THE  
MIDVALE MARKETPLACE, LLC  
LOAN**

Hearing Date: March 25, 2008  
Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on October 12, 2007.

<sup>2</sup> This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Second Omnibus  
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon  
3 Investment in the Midvale Marketplace, LLC Loan (the "Objection") [DE 5890].  
4 Adequate notice of the Objection was given. The Court heard the Objection on March 25,  
5 2008. No responses were filed to the Objection and no opposition was raised at the  
6 hearing. Good cause appearing,

7 IT IS ORDERED:

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- Sustaining the Objection;
  - Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they  
9 are based upon an investment in the Midvale Marketplace, LLC Loan. The  
10 Proofs of Claim listed in Exhibit A are not affected by this order to the extent  
11 they are based upon an investment in a loan(s) other than the Midvale  
12 Marketplace, LLC Loan; and
  - Reserving the right of any party in interest, including the USACM Trust, to  
13 further object to the Proofs of Claim listed on Exhibit A attached.
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16 PREPARED AND SUBMITTED:

17 **LEWIS AND ROCA LLP**

18 By: /s/ RC (#0006593)

19 Susan M. Freeman

20 Rob Charles

21 John Hinderaker

22 *Attorneys for USACM Liquidating Trust*

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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

**LEWIS AND ROCA LLP**

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

John Hinderaker

*Attorneys for USACM Liquidating Trust*

**MIDVALE LOAN  
SECOND OMNIBUS OBJECTION**

**EXHIBIT A  
Multiple Loan Claims**

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Midvale Loan</b>
<b>10725-01964</b>	Gold Plated LLC	c/o Dwight W. Harouff Manager 5680 Ruffian Road Las Vegas, NV 89149-1261	\$752,859.27	\$300,000.00
<b>10725-01992</b>	John M. and Gloria Luongo HW Jt Ten	965 Leah Circle Reno, NV 89511	\$153,373.67	\$50,000.00
<b>10725-01953</b>	Katrine Mirzaian	708 Prospect Drive Glendale, CA 91205	\$344,011.56	\$70,000.00
<b>10725-01691</b>	Mojave Canyon Inc.	Janet L. Chubb, Esq. Jones Vargas P.O. Box 281 Reno, NV 89504-0281	\$685,000.00	\$150,000.00
<b>10725-01208</b>	Pete Monighetti	6515 Frankie Ln. Prunedale, CA 93907	\$1,509,963.55	\$50,000.00
<b>10725-01878</b>	Dennis Raggi	P.O. Box 10475 Zephyr Cove, NV 89448-2475	\$10,451.54	Unclear
<b>10725-01879</b>	Dennis Raggi	P.O. Box 10475 Zephyr Cove, NV 89448-2475	\$27,304.00	\$6,110.01
<b>10725-02226</b>	Dennis Raggi	P.O. Box 10475 Zephyr Cove, NV 89448-2475	\$2,442,034.35	\$50,000.00
<b>10725-02070</b>	Robert R. Rodriguez Revocable Trust Dtd. 1/31/06	c/o Robert R. Rodriguez Trustee 2809 Easy Street Placerville, CA 95667-3906	\$152,297.26	\$50,000.00